

REMARKS

Applicant has carefully reviewed the Application in light of the Office Action mailed April 29, 2004. At the time of the Office Action, Claims 1-30 were pending in the Application. Applicant amends Claims 1, 3, 6, 8, 11, 13, 16, 18, 21, 23, 26, and 28 without prejudice or disclaimer. The amendments to these claims are not the result of any prior art reference and, thus, do not narrow the scope of any of the claims. Furthermore, the amendments are not related to patentability issues and only further clarify subject matter already present. All of applicant's amendments are without prejudice or disclaimer and have only been done in order to advance prosecution in this case. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Information Disclosure Statement (IDS)

Applicant submits an IDS with this Response for the Examiner's review and consideration. Applicant respectfully requests that the Examiner formally indicate that the references were considered in the prosecution of the Application.

Section 102 Rejection

The Examiner rejects Claims 1-30 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,473,411 issued to Kumaki et al. (hereinafter "*Kumaki*"). This rejection is respectfully traversed for the following reasons.

Kumaki discloses a router device, datagram transfer method, and communication system realizing handoff control for mobile terminals. (See Abstract of *Kumaki*.) The background of *Kumaki* explains various problems related to bottlenecks at the data link layer. (See Background of *Kumaki*: Column 1, lines 23-52.) The data link layer is generally referred to as "layer two" in the context network communications. The background of *Kumaki* continues to explain layer two switching resolutions and to discuss some of their drawbacks. (See Background of *Kumaki*: Column 2, lines 1-8.) Naturally what follows is a solution that targets layer two switching. For example, *Kumaki* discloses: "It is another object of the present invention to provide a router device to be connected to Internet accommodating mobile terminals, which is capable of switching a transfer target at the data

link level [layer two] and realizing a transfer through an optimum router at a visited site...”
(See *Kumaki* at Column 4, lines 28-32.)

Evaluating the specific operations of *Kumaki* yields similar findings. *Kumaki* repeatedly discloses that the handoff is recognized and executed at the data link layer. (See, e.g. *Kumaki*: Column 12, lines 19-20; Column 13, lines 30-40.) In contrast to these teachings, Independent Claim 1 “recites receiving and recognizing a handover command message at a physical layer of a mobile station to initiate a handover execution...wherein the physical layer corresponds to layer one.” This recognition capability of the mobile station allows handover command message response times to be reduced. Such a limitation or capability is simply not found anywhere in *Kumaki*. Indeed, the very operation of *Kumaki* prohibits it from inhibiting the patentability of Independent Claim 1 because it is not directed to layer one (i.e. the physical layer), as explained above. Thus, Independent Claim 1 is patentable over *Kumaki* for at least this reason.

Independent Claims 6, 11, 16, 21, and 26 recite a similar limitation and, therefore, are also allowable over *Kumaki*. In addition, their corresponding depend claims are also allowable over *Kumaki* for analogous reasons. Notice to this effect is respectfully requested in the form a full allowance of these pending claims.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

The required fee of \$180.00 is submitted herewith for the IDS and is believed to be correct. However, if this is not correct, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact its attorney at the number provided below.

Respectfully submitted,
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